

Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons, municipal corporations, or corporations in the conduct of their business; requiring them to exchange tonnage with other common carriers, and to receive and transport natural gas tendered to them for transportation, etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, March 19, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 329, A bill to be entitled "An Act to amend Article 4518, Chapter 7, Title 71, of the Revised Civil Statutes of Texas of 1925, and repealing all laws in conflict therewith; prescribing the qualifications of applicants for registration as registered nurses under this law; prescribing the length of time applicants must have attended an accredited school of nursing and graduating therefrom; and defining an accredited school of nursing, as one connected with a general hospital having not less than twenty-five (25) beds with a daily average of not less than fifteen (15) patients annually, etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, March 19, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 59, Recalling House Bill No. 232 from the Governor's office,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

THIRTY-SEVENTH DAY (Continued)

(Wednesday, March 20, 1935)

The House met at 9 o'clock a. m., and was called to order by Speaker Stevenson.

EXTENDING INVITATION TO MEMBERS OF THE LEGISLATURE

The Speaker laid before the House, and had read the following communication:

Chamber of Commerce,
Austin, Texas, March 20, 1935.
Hon. Coke R. Stevenson, Speaker of the House, Capitol Station, Austin, Texas.

Dear Mr. Stevenson: Will you please have the following announcement read to the members of the House of Representatives early Wednesday morning—today:

All members of the House and Senate of the Forty-fourth Legislature and their wives are invited to a dance given in their honor by the Austin Chamber of Commerce, Thursday evening, March 21st, in the Crystal Ballroom of the Driskill Hotel. The time is from 9 to 12 o'clock.

Tickets will be delivered to the members today.

Respectfully,
AUSTIN CHAMBER OF
COMMERCE.

Frank W. Posey, President,
Louis Goldberg, Vice-President,
W. E. Long, Manager.

EXPRESSING APPRECIATION TO THE MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Austin, Texas, March 20, 1935.
Hon. Coke Stevenson, Speaker, House of Representatives, Austin, Texas.

Dear Mr. Speaker: On behalf of myself and family I desire to thank

the members of the House of Representatives for the resolution of sympathy passed upon the death of my sister and I also desire to thank the House for their floral offering, which was received at Covington, Kentucky.

If you will have this expression read to the membership I shall appreciate it.

Respectfully,

J. C. DUVALL.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, by unanimous consent, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Payne and Mr. Leonard:

H. B. No. 829, A bill to be entitled "An Act exempting from taxation institutions or organizations such as Texas Federation of Women's Clubs of Texas or local organizations of such a body; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Hill:

H. B. No. 830, A bill to be entitled "An Act authorizing the commissioners courts to provide for offices in the courthouse for use of the district judges and district attorneys; to contract for and purchase office furniture, office supplies and equipment, legal blanks and stationery; to contract and purchase with or without competitive bids, books and cases therefor, for the use of the district courts; and declaring an emergency."

Referred to Committee on Counties.

By Mr. Cooper and Mr. Latham:

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Hofheinz, Mr. Howard, Mr. McCalla and Mr. Holland:

H. B. No. 832, A bill to be entitled "An Act amending Article 5142 of

the Revised Civil Statutes, 1925, as amended by the Acts of the Fortieth Legislature, page 335, Chapter 228, and Article 5142-a, Acts 1931, Forty-second Legislature, page 759, Chapter 302; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties and authorities; etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Cagle, Mr. Lanning, Mr. Glass, Mr. Ford and Mr. Jones of Falls:

H. B. No. 833, A bill to be entitled "An Act amending Article 2880, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Education.

By Mr. Colson:

H. B. No. 834, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Montgomery County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Cagle:

H. B. No. 835, A bill to be entitled "An Act amending Article 7260, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Quinn and Mr. Pope:

H. B. No. 836, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts, and to fix the number of the Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Congressional and Legislative Districts.

By Mr. Keefe:

H. B. No. 837, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of the failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, or which are unenforceable because of the failure of such governing bodies to appoint the

statutory board of equalization, or where the city council, city commission or other governing body of such incorporated city or town has acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Broyles:

H. B. No. 838, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1937, prescribing a penalty therefor, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Dunlap of Hays and Mr. Knetsch:

H. B. No. 839, A bill to be entitled "An Act providing for a rebate to owners of retail fish dealer's license purchased on or since September 1, 1934, and before September 26, 1934, for a place of business in any city or town of five thousand (5,000) and not more than seven thousand five hundred (7,500) population; and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Hill and Mr. Roane:

H. B. No. 840, A bill to be entitled "An Act to amend Chapter 12, Title 42, of the Revised Statutes of the State of Texas, and to amend Section 1, Chapter 50, of the General Laws of the Forty-first Legislature, Fourth Called Session, and adding to Chapter 12, Article 2278-a, and providing for the obtaining of a statement of facts on appeal or writ of error by the party making the proof required to appeal his case without bond, and providing the compensation of the court reporter, and repealing Article 2241 of the Revised Statutes of the State of Texas and all laws in conflict with this Act, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. McConnell:

H. B. No. 841, A bill to be entitled "An Act to declare a five (5) year

closed season on wild fox in Palo Pinto County and making it unlawful to kill, take, or for anyone to have in his possession for barter or sale, after the passage of this Act, any wild fox or the pelts thereof; providing for a penalty for the violation of this Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

ADDITIONAL SIGNERS OF HOUSE JOINT RESOLUTIONS AND HOUSE BILLS

By unanimous consent, the following members were authorized to sign bills and resolutions as follows:

Messrs. Butler of Brazos, Newton, Jones of Falls, Smith and Lange: House Joint Resolution No. 34.

Messrs. Farmer, Hofheinz and Smith: House Joint Resolution No. 19.

Mr. Keefe: House Bill No. 734.

Mr. Davis: House Bill No. 741.

Mr. Pope: House Bill No. 836.

HOUSE BILL NO. 26 WITH SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 26, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Panola County; prohibiting the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola County; providing a penalty, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Alsup, the House concurred in the Senate amendments by the following vote:

Yeas—107

Adamson	Broyles
Adkins	Burton
Aikin	Cagle
Alexander	Caldwell
Alsup	Calvert
Ash	Clayton
Bourne	Collins
Bradbury	Colquitt
Bradford	Cooper

Cowley	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
England	Morris
Fain	Morrison
Farmer	Nicholson
Fisher	Olsen
Fitzwater	Padgett
Fox	Palmer
Fuchs	Patterson
Glass	Payne
Good	Petsch
Hankamer	Pope
Hanna	Quinn
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Roach of Hunt
Hartzog	Roark
Head	Roberts
Herzik	Rogers
Hill	Russell
Hodges	Rutta
Hofheinz	Scarborough
Hoskins	Settle
Howard	Shofner
Hunt	Smith
Hunter	Steward
James	Stinson
Jones of Atascosa	Stovall
Jones of Falls	Tarwater
Jones of Runnels	Thornton
Jones of Shelby	Tillery
Jones of Wise	Waggoner
Knetsch	Walker
Lanning	Wells
Latham	Westfall
Lindsey	Wood of Harrison
Lotief	Worley
Lucas	Youngblood

Absent

Atchison	Gray
Beck	Greathouse
Bergman	Holland
Butler of Brazos	Huddleston
Butler of Karnes	Hyder
Canon	Jackson
Celaya	Jefferson
Colson	Keefe
Dunagan	King
Dunlap of Hays	Lange
Dunlap of Kleberg	Lemens
Duvall	Leonard
Dwyer	Newton
Ford	Reader
Frazer	Roach of Angelina
Gibson	Spears
Graves	Stanfield

Tennyson	Wood of Montague
Venable	Young

Absent—Excused

Leath	Riddle
Morse	Roane

HOUSE BILL NO. 327 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 327, A bill to be entitled "An Act appropriating five million dollars (\$5,000,000) per year, or so much thereof as may be necessary, for the next biennium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children; attaching conditions, regulations and limitations relative thereto, etc., and declaring an emergency";

The bill having been read second time on yesterday.

Mr. Nicholson offered the following amendment to the bill:

Amend House Bill No. 327, page 5, line 24, by inserting the following, after the word "county": "and provided further, that like allowance shall be made in respect of transportation in any common school district in which there exist two school plants, one of which is a first-class four-year high school, which said plants are separated by a distance of not less than two and one-half miles."

The amendment was adopted.

Mr. Keefe offered the following amendment to the bill:

Amend House Bill No. 327, Section 5, line 30, by striking out the word "Act" and inserting in lieu thereof the word "Section."

KEEFE,
LUCAS.

The amendment was adopted.

Mr. Harris of Archer offered the following amendment to the bill:

Amend House Bill No. 327 by adding at the end of Section 12 the following: "Provided any census trustee who shall wilfully make any false report in his roll, or summary, shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act."

HARRIS of Archer,
MOFFETT,
ALEXANDER.

The amendment was adopted.

Mr. Scarborough offered the following amendment to the bill:

Amend House Bill No. 327, Section 11, line 24, after "county," add "provided that all districts of 75 square miles or over in area are eligible for transportation aid."

The amendment was adopted.

Mr. Russell offered the following amendment to the bill:

Amend House Bill No. 327 by adding at the end of line 10, Section 21, the following: "The State Board of Education and the State Superintendent of Education shall prepare the estimates of expenditures under the provisions of this Act on a basis of 90% of the amount appropriated for each year."

The amendment was adopted.

Mr. Clayton offered the following amendment to the bill:

Amend committee amendment No. 2 by adding thereto at the end thereof the following: "Provided that no salary shall be in excess of the amounts appropriated for similar positions provided for in the general appropriation bill for the biennium 1936-1937."

CLAYTON,
AIKIN.

The amendment was adopted.

Mr. Shofner offered the following amendment to the bill:

Amend House Bill No. 327 by adding a new section, to be known as Section 9-a:

"Section 9-a. Nothing in this Act shall be construed as authorizing any board or agency to consolidate, or cause to be consolidated, any schools, nor forcing the consolidation of any schools, nor shall any aid be withheld

from any school for its failure to consolidate."

SHOFNER,
HANKAMER,
HUDDLESTON,
LOTIEF.

Mr. Russell moved to table the amendment by Mr. Shofner.

The motion to table was lost.

Question recurring on the amendment by Mr. Shofner, it was adopted.

Mr. Luker offered the following amendment to the bill:

Amend House Bill No. 327 by adding to Section 4 the following: "Provided further, that a school may be granted aid on one more teacher than herein provided under the following conditions: that the school is located not less than 10 miles from the nearest classified high school and that the connecting road between the two schools is not an all-weather road under ordinary maintenance provided by the commissioners court; the fact that such road is not an all-weather road being subject to the approval of the State Superintendent, the State Board or the district supervisor; and provided that the district levies and collects a tax at the rate of one hundred cents on the one hundred dollar (\$100) valuation of all taxable property in the district; and provided that the value of property assessed for taxes in the said district is not less than two thousand dollars (\$2,000) per pupil for the current year; and provided that the school has not less than sixty-six (66) scholastics, excluding transfers out and including transfers in."

The amendment was adopted.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 327 as follows: After the word "Act," in line 5, page 7, these words: "Provided the State Superintendent shall determine the amount of money to be expended for bus drivers, inspectors and school teachers before contracting therefor, and such amount of salaries determined for each shall not be reduced during the time for which such service is contracted."

Mr. Aikin moved to table the amendment by Mr. Alsup.

The motion to table prevailed.

Mr. Petsch offered the following amendment to the bill:

Amend House Bill No. 327, page 6, lines 36 and 37, Section 14, by striking out the words "State Superintendent of Public Instruction" and substitute therefore the words "State Board of Education."

PETSCH,
SHOFNER,
KNETSCH,
DANIEL,
POPE.

(Mr. Wells in the Chair.)

Mr. Lucas offered the following substitute for the amendment by Mr. Petsch:

Amend House Bill No. 327, page 6, line 37, Section 14, by adding between the words "Instruction" and "to" the following: "with the approval of the State Board of Education."

LUCAS,
KEEFE.

(Speaker in the Chair.)

Mr. Lemens moved to table the substitute amendment by Mr. Lucas.

The motion to table prevailed.

Mr. Lemens moved to table the amendment by Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—93

Adamson	Fain
Aikin	Farmer
Alsup	Fisher
Beck	Frazer
Bergman	Gibson
Broyles	Glass
Butler of Brazos	Good
Butler of Karnes	Greathouse
Cagle	Hanna
Calvert	Hardin
Collins	Harris of Archer
Colquitt	Harris of Dallas
Colson	Hartzog
Cooper	Head
Cowley	Hill
Crossley	Holland
Davis	Hoskins
Davisson	Howard
of Eastland	Huddleston
Dickison	Hunt
Dunlap of Hays	Hunter
Dunlap of Kleberg	Hyder
Dwyer	Jackson

James	Riddle
Jefferson	Roach of Angelina
Jones of Atascosa	Roark
Jones of Runnels	Roberts
Jones of Shelby	Russell
Jones of Wise	Rutta
Keefe	Scarborough
King	Settle
Lanning	Smith
Latham	Spears
Lemens	Stinson
Leonard	Stovall
Lucas	Tarwater
McKee	Tennyson
Morrison	Thornton
Newton	Tillery
Nicholson	Walker
Padgett	Wells
Palmer	Westfall
Payne	Wood of Harrison
Quinn	Wood of Montague
Reader	Worley
Reed of Bowie	Young
Reed of Dallas	Youngblood

Nays—40

Adkins	Jones of Falls
Ash	Knetsch
Atchison	Lindsey
Bourne	Lotief
Bradbury	Mauritz
Burton	McCalla
Canon	McConnell
Celaya	McFarland
Clayton	McKinney
Craddock	Moore
Daniel	Morris
England	Patterson
Fitzwater	Petsch
Ford	Pope
Fox	Roach of Hunt
Fuchs	Rogers
Graves	Shofner
Gray	Steward
Hodges	Venable
Hofheinz	Waggoner

Absent

Alexander	Herzik
Bradford	Lange
Caldwell	Luker
Davison of Fisher	Moffett
Dunagan	Olsen
Duvall	Stanfield
Hankamer	

Absent—Excused

Leath	Roane
Morse	

Mr. Head offered the following amendment to the bill:

Amend House Bill No. 327, page 5, Section 11, by striking out the words "one dollar (\$1.00)" wherever they

appear and substituting in lieu thereof of the words "two dollars (\$2.00)."

Mr. Russell moved to table the amendment by Mr. Head.

The motion to table was lost.

Question recurring on the amendment by Mr. Head, it was adopted.

Mr. Daniel offered the following amendment to the bill:

Amend House Bill No. 327 by adding a new section, to be numbered 7-a, as follows:

"The provisions of this Act, as to tax levy and taxable wealth, shall not apply to school districts comprised wholly or in part of timber lands, which have been purchased by the Federal Government; but the State Superintendent shall grant aid to such schools on the same basis as other participating schools."

DANIEL,
BERGMAN,
ROACH of Angelina,
JONES of Shelby,
GLASS.

The amendment was adopted.

Mr. Lindsey offered the following amendment to the bill:

Amend House Bill No. 327 by striking out lines 36 to line 40, inclusive, on page 6 of Section 14, and lines 1 to 5, inclusive, on page 7, Section 14, and the word "it," on page 6, line 35, Section 14.

Question—Shall the amendment by Mr. Lindsey be adopted?

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 26, "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Panola, Wise, Collin, and Comal Counties; prohibiting the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola, Wise, Collin, and Comal Counties; providing a penalty, and declaring an emergency."

RECESS

On motion of Mr. Russell, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, March 20, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 519, A bill to be entitled "An Act making an appropriation of six thousand five hundred dollars (\$6,500) to be used by the Secretary of State in paying the unpaid portion of the publication cost of certain constitutional amendments, and declaring an emergency." (With amendments.)

H. B. No. 779, A bill to be entitled "An Act making available currently the funds now on hand and hereafter accruing to the benefit of the State Department of Agriculture under the terms of the Act of the Regular Session, Forty-third Legislature, Chapter 162, page 433, as amended by the Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, providing for the drawing of warrants by the Comptroller and the payment of same by the State Treasurer in accordance with the provisions hereof and with the General Laws, etc., and declaring an emergency." (With amendments.)

The Senate has adopted

H. C. R. No. 15, Relative to consideration of appropriation bills. (With amendments.)

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 404. The following have been appointed on the part of the Senate: Senators Rawlings, Hopkins, Pace, Moore, and Small.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 519 WITH SENATE AMENDMENTS

Mr. Hyder called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 519, A bill to be entitled "An Act making an appropriation of six thousand five hundred dollars (\$6,500) to be used by the Secretary of State in paying the unpaid portion of the publication cost of certain constitutional amendments; one thousand five hundred dollars (\$1,500) for postage and contingent to be used by the Secretary of State; five thousand dollars (\$5,000) for the Secretary of State's office to be used for compiling, editing, printing, indexing, and distributing the General and Special Laws and for the distribution of the Journals of the Forty-fourth Legislature, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Hyder moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Hyder, Good, Spears, Tarwater, and Young.

HOUSE CONCURRENT RESOLUTION NO. 15 WITH SENATE AMENDMENTS

Mr. Fain called up from the Speaker's table, with Senate amendment, for consideration of the amendment,

H. C. R. No. 15, Concerning consideration of appropriation bills.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. Fain, the House concurred in the Senate amendments.

HOUSE BILL NO. 327 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 327, relative to making certain appropriation for aid of rural schools;

The bill having heretofore been read second time, with amendment by Mr. Lindsey, pending.

Mr. Jones of Atascosa moved to table the amendment by Mr. Lindsey.

The motion to table prevailed.

Mr. Good offered the following amendment to the bill:

Amend House Bill No. 327, Section 7, page 4, line 12, by striking out the words and figures "three thousand dollars (\$3,000)" and substituting in lieu thereof the words and figures "thirty-four hundred dollars (\$3,400)."

GOOD,
TENNYSON.

Mr. Russell moved to table the amendment by Mr. Good.

The motion to table prevailed.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 327 by striking out of lines 32 and 33, page 6, the following words: "not inconsistent with the terms of this Act," and by striking out of line 34, page 6, all after the word "Act" and all of line 35, page 6, down to the word "it."

(Mr. Good in the Chair.)

Mr. Russell moved to table the amendment by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Adamson	Hartzog
Adkins	Head
Aikin	Hill
Alsup	Hodges
Bergman	Hofheinz
Bradford	Hoskins
Butler of Karnes	Howard
Cagle	Hunt
Collins	Hunter
Colquitt	Hyder
Cooper	James
Cowley	Jefferson
Crossley	Jones of Atascosa
Davis	Jones of Falls
Davison of Fisher	Jones of Runnels
Dickison	Jones of Shelby
Dunlap of Hays	Jones of Wise
Duvall	Keefe
Dwyer	Lanning
England	Latham
Fain	Lotief
Fisher	Lucas
Fitzwater	Luker
Ford	McCalla
Frazer	McConnell
Glass	Moffett
Hanna	Newton
Harris of Dallas	Nicholson

Padgett	Stanfield
Payne	Stinson
Reed of Dallas	Stovall
Roach of Angelina	Tarwater
Roark	Venable
Roberts	Walker
Russell	Wells
Scarborough	Wood of Montague
Settle	Worley
Smith	Young
Spears	Youngblood

Nays—53

Alexander	Lindsey
Ash	Mauritz
Atchison	McFarland
Bourne	McKee
Bradbury	McKinney
Burton	Moore
Caldwell	Morris
Celaya	Morrison
Clayton	Olsen
Colson	Palmer
Craddock	Patterson
Dunagan	Petsch
Farmer	Pope
Fox	Reed of Bowie
Fuchs	Riddle
Gibson	Roach of Hunt
Graves	Rogers
Gray	Rutta
Greathouse	Shofner
Hankamer	Steward
Hardin	Tennyson
Herzik	Thornton
Huddleston	Tillery
Jackson	Waggoner
King	Westfall
Knetsch	Wood of Harrison
Leonard	

Absent

Beck	Dunlap of Kleberg
Broyles	Good
Butler of Brazos	Harris of Archer
Calvert	Holland
Canon	Lange
Daniel	Lemens
Davisson	Quinn
of Eastland	Reader

Absent—Excused

Leath	Roane
Morse	

Mr. Patterson offered the following amendment to the bill:

Amend House Bill No. 327, page 5, Section 10, line 4, by striking out the words and figures "seven dollars and fifty cents (\$7.50)" and inserting in lieu thereof the words and figures "five dollars (\$5.00)."

Mr. Tennyson moved to table the amendment by Mr. Patterson.

The motion to table prevailed.

Mr. Wood of Harrison offered the following amendment to the bill:

Amend House Bill No. 327, Section 1, by striking out the words and figures "five million dollars (\$5,000,000)" and insert in lieu thereof the following words and figures "three million dollars (\$3,000,000)."

(Speaker in the Chair.)

Mr. Russell moved to table the amendment by Mr. Wood of Harrison.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—115

Adamson	Hankamer
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Ash	Harris of Dallas
Atchison	Hartzog
Beck	Head
Bergman	Hill
Bourne	Hofheinz
Bradbury	Howard
Bradford	Huddleston
Broyles	Hunt
Burton	Hunter
Butler of Brazos	Hyder
Butler of Karnes	James
Cagle	Jefferson
Caldwell	Jones of Atascosa
Calvert	Jones of Falls
Canon	Jones of Runnels
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	King
Cowley	Knetsch
Craddock	Lanning
Crossley	Latham
Daniel	Lemens
Davisson	Lotief
of Eastland	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Duvall	McFarland
England	McKee
Fain	McKinney
Fisher	Moffett
Fitzwater	Moore
Fox	Morris
Frazer	Morrison
Fuchs	Newton
Gibson	Nicholson
Glass	Padgett
Gray	Palmer

Payne	Stanfield
Petsch	Steward
Reed of Bowie	Stinson
Reed of Dallas	Tarwater
Roach of Angelina	Tennyson
Roach of Hunt	Thornton
Roark	Tillery
Roberts	Waggoner
Russell	Walker
Rutta	Wells
Scarborough	Westfall
Settle	Wood of Montague
Shofner	Worley
Smith	Young
Spears	Youngblood

Nays—8

Farmer	Lucas
Graves	Patterson
Herzik	Quinn
Hodges	Wood of Harrison

Absent

Alsup	Hoskins
Celaya	Jackson
Clayton	Lange
Davis	Leonard
Davison of Fisher	Lindsey
Dunlap of Kleberg	Olsen
Dwyer	Pope
Ford	Reader
Good	Rogers
Greathouse	Stovall
Holland	Venable

Absent—Excused

Leath	Riddle
Morse	Roane

Mr. Dunagan moved the previous question on the amendments on the Speaker's desk, and the bill.

The motion was not seconded.

Mr. Petsch and Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 327, page 2, Section 1, by changing the words and figures "five million dollars (\$5,000,000)" to "three million five hundred thousand dollars (\$3,500,000)" wherever the words and figures "five million dollars (\$5,000,000)" occur.

PETSCH,
GRAVES.

Mr. Good offered the following substitute for the amendment by Mr. Petsch:

Amend House Bill No. 327, page 2, Section 1, by striking out the words and figures "five million dollars (\$5,000,000)" wherever same appears and substituting in lieu thereof the following: "four million dollars (\$4,000,000)."

Mr. Petsch accepted the substitute amendment and withdrew the amendment offered by himself and Mr. Graves.

Mr. Quinn moved that further consideration of House Bill No. 327 be postponed until 10:10 o'clock a. m., Monday, April 1.

Mr. Aikin moved to table the motion by Mr. Quinn.

The motion to table prevailed.

Mr. Aikin moved to table the amendment by Mr. Good.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Adamson	Hyder
Adkins	James
Aikin	Jefferson
Alsup	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Runnels
Bradbury	Jones of Shelby
Bradford	Jones of Wise
Broyles	Keefe
Burton	Lanning
Butler of Brazos	Latham
Butler of Karnes	Lemens
Cagle	Lotief
Caldwell	Mauritz
Canon	McConnell
Collins	McFarland
Colquitt	Moffett
Cooper	Moore
Davisson	Morrison
of Eastland	Newton
Dickison	Padgett
Dunagan	Reed of Bowie
Dunlap of Hays	Reed of Dallas
Duvall	Roach of Angelina
Fain	Roach of Hunt
Fitzwater	Roark
Ford	Russell
Frazer	Rutta
Fuchs	Scarborough
Glass	Smith
Greathouse	Spears
Hanna	Stinson
Hardin	Stovall
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Tillery
Hill	Waggoner
Hofheinz	Wells
Holland	Westfall
Huddleston	Wood of Montague
Hunt	Worley

Nays—45

Alexander	Atchison
Ash	Bourne

Calvert	Lucas
Colson	Luker
Crossley	McCalla
England	McKee
Farmer	McKinney
Fisher	Morris
Fox	Nicholson
Gibson	Olsen
Good	Palmer
Graves	Patterson
Gray	Petsch
Hankamer	Pope
Harris of Archer	Rogers
Hodges	Settle
Hoskins	Shofner
Howard	Stanfield
Hunter	Steward
King	Thornton
Knetsch	Wood of Harrison
Leonard	Youngblood
Lindsey	

Absent

Celaya	Jackson
Clayton	Lange
Cowley	Payne
Craddock	Quinn
Daniel	Reader
Davis	Roberts
Davison of Fisher	Venable
Dunlap of Kleberg	Walker
Dwyer	Young
Herzik	

Absent—Excused

Leath	Riddle
Morse	Roane

Reasons for Vote

I voted for the Good amendment to House Bill No. 327, reducing the appropriation from \$5,000,000 to \$4,000,000 per year for the reason that the amount of \$5,000,000 is too much at the present time and the State does not have the money to meet the appropriation.

It occurs to me that the Department of Education is trying to build up a big political machine. If the money were used for real education and not for so much that is useless it would be better. The people of this State are asking that economy be used, and extravagant appropriations do not make for economy. The taxpayers are demanding relief from the excessive burden of taxation at this time.

FARMER.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 327, Section 1, by adding to the end of said section the following:

"The funds herein appropriated shall be distributed to each district herein eligible therefor by a per capita apportionment, that is, each scholastic shall receive his proportionate share of the amount herein appropriated.

"That Sections 3, 4, 5, 6, 7, 9, 14, 15, 16, and 20 of said bill be, and the same are hereby, stricken out."

GRAVES,
PETSCH.

Question—Shall the amendment by Mr. Graves be adopted?

ADDRESS BY HON. ROBT. MAYNARD HUTCHINS

Mr. Jones of Wise offered the following resolution:

Whereas, Hon. Robert Maynard Hutchins, president of the University of Chicago, is visiting Texas and has honored Austin and the Capitol with his presence; and

Whereas, Mr. Hutchins is recognized throughout the civilized world as one of the greatest educators and thinkers of this age; and

Whereas, Members of the House of Representatives greatly desire to have Mr. Hutchins speak to them; now, therefore, be it

Resolved by the House of Representatives, That we do extend an invitation to Mr. Hutchins to address the House of Representatives at 4:15 p. m., March 20, and that a committee be appointed by the Chair to escort the distinguished visitor to the Speaker's stand.

JONES of Wise,
DANIEL,
ROBERTS,
ROARK,
WELLS.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Jones of Wise, Daniel, Roark, Wells, and Roberts.

The committee having performed their duty, Speaker Stevenson presented Hon. Herman Jones of Wise County, who introduced Hon. Robert Maynard Hutchins, president of the University of Chicago.

Mr. Hutchins addressed the House.

HOUSE BILL NO. 779 WITH SENATE AMENDMENTS

Mr. McKee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 779, A bill to be entitled "An Act making available currently the funds now on hand and hereafter accruing to the benefit of the State Department of Agriculture under the terms of the Act of the Regular Session, Forty-third Legislature, Chapter 162, page 433, as amended by the Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, providing for the drawing of warrants by the Comptroller and the payment of same by the State Treasurer in accordance with the provisions hereof and with the General Laws, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. McKee moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. McKee, Knetsch, Graves, Canon, and Stanfield.

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, March 20, 1935.

To the House of Representatives of the Forty-fourth Legislature:

I return herewith for your reconsideration House Concurrent Resolution No. 8, of which I disapprove, and have, therefore, this day vetoed, for the following reasons:

1. Said resolution would give to Maney and Alley, contractors, the privilege of suing the State upon a claim in the sum of \$5,070.59 for work done by them on Highway No. 39, allegedly in addition to the work which

they contracted to do on said highway for the State Highway Department; the resolution authorizes payment of interest on said claim at six per cent per annum from October 10, 1929, and further authorizes payment of an attorney's fee by the State in the sum of \$500, in order to aid the claimants in maintaining their suit against the State of Texas.

The claim is the same claim upon which Maney and Alley requested the permission of the Second Called Session of the Forty-third Legislature to sue the State, but at that time their claim was allegedly in the sum of \$2,872.82, and no claim was made for interest or attorney's fees. (House Concurrent Resolution No. 1, Acts Second Called Session, Forty-third Legislature.) The Legislature gave them permission to sue the State on their said claim.

No reason is assigned, and none is apparent, why said claimants should not have stipulated the full amount of their claim, when they requested the Second Called Session of the Forty-third Legislature to permit them to sue the State.

In so far as the original claim of Maney and Alley is concerned, therefore, there is no necessity for the enactment of the present resolution, except for the purpose of conferring on those claimants the right to collect interest and attorney's fees from the State of Texas.

2. The provisions contained in this resolution, which assume to grant to said claimants six per centum interest on their claim from October 10, 1929, and an attorney's fee of \$500, are in contravention of Section 44, Article III, of the Constitution of Texas, which prohibits the Legislature from paying or authorizing the payment of any claim, real or pretended, when the same shall not have been provided for by pre-existing law. No pre-existing law authorizes a claim against the State to bear interest, nor provides for the payment of attorney's fees on any such claim; the contract made between the Highway Department and Maney and Alley contains no such provision, and, in my judgment, could not legally contain any such provision.

The effect of the resolution is therefore not only to authorize the claimants to sue the State upon an alleged claim which might have a basis in

pre-existing law, but it also assumes to create against the State a claim which theretofore had no existence, and it is to that extent, at least, unconstitutional and void. *Haldeman vs. State*, 163 S. W. 1020.

Vetoed and returned this 20th day of March, 1935.

Respectfully,
JAMES V. ALLRED,
Governor of Texas.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 15, Concerning consideration of appropriation bills.

(Mr. McKee in the Chair.)

PRESENTATION TO HON. COKE R. STEVENSON, SPEAKER

Mr. McKee offered the following resolution:

Whereas, Some forty-seven years ago there arrived a new citizen of Texas, a boy, born to a pioneer family of this State; and

Whereas, He has served his community and State with honor and distinction for many years, having served as county attorney, county judge, and as a distinguished member and as Speaker of the House of Representatives; and

Whereas, It is the desire of this body that we express to our Speaker our best wishes; now, therefore, be it

Resolved by the House of Representatives, That we hereby extend to the Hon. Coke Stevenson our felicitations on this momentous occasion, his forty-seventh birthday, and as a token of our esteem present him the accompanying gifts as a lasting memory of our love and affection for our fellow member.

Signed—McKee, Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays,

Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Quinn, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

Mr. McKee, on behalf of the members of the House, presented Hon. Coke R. Stevenson birthday gifts, as follows:

Shrine pin, lounging robe, and bedroom slippers.

(Speaker in the Chair.)

LEAVE OF ABSENCE GRANTED (By Unanimous Consent)

Mr. Riddle was granted leave of absence for yesterday and today on account of important business, on motion of Mr. McCalla.

ADJOURNMENT

Mr. Caldwell moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Fox moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Quinn moved that the House adjourn until 9 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Caldwell, it prevailed, and the House, accordingly, at 5 o'clock p. m., adjourned until 10 o'clock a. m., Thursday, March 21.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Common Carriers: House Bill No. 821.

Constitutional Amendments: House Joint Resolutions Nos. 19 and 39.

Counties: House Bills Nos. 306 and 606.

Highways and Motor Traffic: Senate Bill No. 460.

Oil, Gas, and Mining: House Bills Nos. 310 and 782.

State Affairs: House Bills Nos. 630, 677, 735, 774, and 820.

The following committee filed adverse reports on resolutions, as follows:

Constitutional Amendments: House Joint Resolutions Nos. 2, 6, 8, 10, 11, 22, and 44.

The Committee on Highways and Motor Traffic filed an adverse report, with a minority favorable report, on House Bill No. 724.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 189, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State board of examiners for the licensing of persons to carry on and to teach such practice, to insure the better education of such practitioners, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 20, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 26, "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Panola, Wise, Collin, and Comal Counties; prohibiting the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola, Wise, Collin, and Comal Counties; providing a penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, March 20, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 15, Concerning consideration of appropriation bills for the biennium ending August 31, 1937,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

THIRTY-EIGHTH DAY

(Thursday, March 21, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Butler of Karnes
Adamson	Cagle
Adkins	Caldwell
Aikin	Calvert
Alexander	Canon
Alsup	Celaya
Ash	Clayton
Atchison	Collins
Beck	Colquitt
Bergman	Colson
Bourne	Cooper
Bradbury	Cowley
Bradford	Craddock
Broyles	Crossley
Burton	Daniel